

Receipt and Expenditures of Public Grant Sources

HB 12-1248, "Concerning Receipt of Certain Moneys by the Department of Law", sponsored by the Joint Budget Committee, in part, authorizes the Department of Law to solicit, accept, and expend gifts, grants, and donations from public and private sources, consistent with its duties and the laws of the state. The bill requires the Department to include with its annual budget request to the Joint Budget Committee a report describing the receipt and expenditure of any such moneys. The bill repeals these new provisions after three years, effective July 1, 2015.

The Department of Law has two instances whereby it has received resources from public sources in line with HB 12-1248.

The Department of Law receives spending authority for the Auto Theft Prevention Grant Line Item through the annual Long Bill Appropriation. The Long Bill appropriation for FY 2012-13 for these efforts is \$239,075. The FY 2012-13 budget request was based on the previous year's grant award. The budget request is due prior to the grant application to the Department of Public Safety.

The Department of Law made an application to the Department of Public Safety for FY 2012-13 efforts in an amount of \$282,234 and was approved for this amount. The increase is primarily due to the addition of a 0.5 FTE Administrative Assistant position and associated operating costs. The balance of the grant accommodates the salary and associated costs for an Assistant Attorney General and a Criminal Investigator. The Department has provided the anticipated expenses by object code for this grant in the Schedule 3 associated with the Auto Theft Prevention Grant Line Item.

The Auto Theft Initiative addresses the need for a coordinated, multijurisdictional approach to the investigation and prosecution of auto theft in Colorado. Additionally, the Initiative seeks to help raise public awareness and to provide both practical and classroom training to law enforcement agencies. Lastly, this Initiative is committed to seeking orders of restitution in appropriate cases in order to provide victims of auto theft an opportunity to recover costs without having to incur additional expenditures. The Attorney General has jurisdiction to investigate throughout the state and may cross jurisdictional lines when necessary and appropriate. In addition the office maintains an excellent prosecutorial reputation and has been well-received in each jurisdiction in which cases have been filed. With access to the statewide grand jury and a dedicated investigator and prosecutor without jurisdictional limits and with contacts across the state, the

Attorney General's Auto Theft Initiative is uniquely situated to take a multijurisdictional approach to the prosecution of auto theft in Colorado.

Secondly, the Department receives spending authority for the Defense of the Republican River Basin Compact, through the annual Long Bill Appropriation. The FY 2012-13 appropriations for these efforts is established in the Long Bill at \$110,000.

The Attorney General requested an additional \$110,000 dollars from the Colorado Water Conservation Board (CWCB) for expenditure during FY 2012-13. Per the request letter to the CWCB, "First, funds are necessary for continued outside consultant fees relating to the Compact Compliance Pipeline and Nebraska's proposed changes to the Republican River Compact Administration Accounting Procedures..."

"In addition, The United States Supreme Court has appointed a Special Master to hear Kansas' current petition. Colorado is a named party to this interstate suit and is responsible for a portion of the Special Master's expenses and fees."

The CWCB approved this request. The request letter and the minutes are included in this report.

The Department has provided the anticipated expenses by object code for this grant in the Schedule 3 associated with the Defense of the Colorado River Basin Compact line item.



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March 9, 2012

Request for Expenditure from Litigation Fund
for Republican River Compact Litigation

Dear Board Members:

By this letter, I request expenditure of \$220,000 for FY13 from the Colorado Water Conservation Board Litigation Fund pursuant to Section 37-60-121(2.5)(a)(III), C.R.S. That section authorizes the CWCB to expend money from its Litigation Fund, at the request of the Attorney General, for the costs to defend and protect Colorado's allocations of water in interstate streams and rivers. I believe this expenditure is necessary to adequately defend, in negotiations and in litigation, Colorado's interests in the Republican River.

These funds continue to be necessary to defend Colorado's allocation of water under the Republican River Compact. First, funds are necessary for continued outside consultant fees relating to the Compact Compliance Pipeline and Nebraska's proposed changes to the Republican River Compact Administration Accounting Procedures. We continue to negotiate with Kansas on construction and operation of the pipeline, which requires outside consultants to assist in the process. If Kansas will not agree to the proposal, non-binding arbitration will likely be invoked in FY13 on the revised proposal, which will again require outside consultants fees and arbitration fees.

In addition, the United States Supreme Court has appointed a Special Master to hear Kansas' current petition. Colorado is a named party to this interstate suit and is responsible for a portion of the Special Master's expenses and fees. As trial has not yet been set, it is not possible to accurately estimate those expenses. However, all indications are that trial will be set at a location convenient to the Special Master in the fall of this calendar year. Trial preparation and participation will require the Department of Law to incur expert and consultant fees and other expenses such as attorney and consultant travel.

Finally, Kansas may also pursue a determination of Colorado's compact compliance and the validity of the Compact Compliance Pipeline in future Supreme Court litigation. Although a petition filed by Kansas may be stayed pending non-binding arbitration, the question of any damages may still proceed to trial. Whether and to what extent these events take place in the near future will depend on the Special Master and the willingness of the respective parties to negotiate.

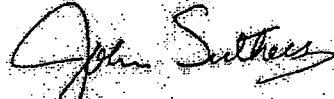
These efforts are essential to support my office and the CWCB in ongoing negotiations and litigation to protect Colorado's rights to the Republican River, now and in the future. I, therefore, request and recommend that CWCB authorize the expenditure of \$220,000, to retain consultants, pay arbitration fees, pay Supreme Court litigation costs and fees and provide funds for travel and other expenses. I further recommend that the CWCB's authorization allow the funds to be used in FY14 if not expended in FY13, and allow the Board Director, in consultation with the State

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Engineer and my staff, to allocate funds between these activities based on actual costs and litigation necessities.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Suthers". The signature is fluid and cursive, with a large initial "J" and a stylized "S".

JOHN W. SUTHERS
Colorado Attorney General

STATE OF COLORADO

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SUMMARY MINUTES AND RECORD OF DECISIONS

March 20 -21, 2012

Final and Approved May 15, 2012

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

A regular meeting of the Colorado Water Conservation Board (CWCB) was convened at the Colorado Water and Power Development Authority offices located 1580 Logan Street, Denver CO, 80203. The meeting was called to order by Vice Chair John McClow. Nine voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were John McClow, Geoff Blakeslee, Barbara Biggs, Alan Hamel, Travis Smith, Russ George, April Montgomery Ty Wattenberg, and Diane Hoppe. Non-voting *ex officio* members present or represented were CWCB Director Jennifer Gimbel; Attorney General, John Suthers; Casey Shpall, Deputy Attorney General; Kevin Rein of the Division of Water Resources, and Grady McNeill of Colorado Parks and Wildlife. Ginny Brannon, Assistant Director for Water and Energy, Colorado Department of Natural Resources, and John Stulp, Special Policy Advisor to the Governor on Water, and Chair of the Interbasin Compact Committee, John Salazar the Commissioner for Department of Agriculture, and Mike Brod with the Colorado Water and Power Development Authority were also in attendance.

On the second day, the meeting was called to order by Chair John McClow. Ten voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present on the second day were Chair John McClow, Geoff Blakeslee, Alan Hamel, Russ George, Travis Smith, April Montgomery, Ty Wattenberg, Barbara Biggs, Diane Hoppe and Mike King. Non-voting *ex officio* members present or represented were Grady McNeill of Colorado Parks and Wildlife, John Stulp, Special Policy Advisor to the Governor on Water, and Casey Shpall, Deputy Attorney General. Ginny Brannon, Assistant Director for Water and Energy, Colorado Department of Natural Resources was also in attendance. Prior to the discussion of agenda item 25 Travis Smith made a motion that "the Board directs the Executive Director and CWCB staff to develop the appropriate letter of support, to the appropriate congressional members, in regards to the hydro development for Colorado," which was seconded by Alan Hamel. This item was not on the agenda and therefore does not have a corresponding agenda number. The motion was approved unanimously (9-0).

Note: While the Board's consideration of agenda items does not always follow the sequence indicated by the agenda numbers, these minutes are listed in agenda item order for easier reference.

Tuesday, March 20, 2012

Call to Order 8:30 AM

1. Swearing in of Officers

Track 1 00:00:00 – 00:02:00

Action: Board Members Diane Hoppe, Ty Wattenberg, and John McClow were formally sworn in as Board Members of the Colorado Water Conservation Board.

2. Election of Officers

Track 1 00:02:00 – 00:05:28

Action: Geoff Blakeslee made a motion to elect John McClow as Chair of the Colorado Water Conservation Board, by acclamation. The motion was approved unanimously. Travis Smith made a motion to elect Alan Hamel Vice Chair of the Colorado Water Conservation Board, by acclamation. The motion was approved unanimously.

3. Review and Approval of Agenda

Track 1 00:05:28 – 06:08

Action: This item was informational only. No action was required of the Board.

4. Review and Approval of Meeting Minutes – January 23 - 24, 2012

Track 1 00:06:08 – 00:07:28

Action: Diane Hoppe clarified that Jim Miller, representing the Department of Agriculture, was present, as was Mike Brod representing the Colorado Water and Power Development Authority. Travis Smith made a motion to approve the January 23 – 24, 2012 minutes with the specified revisions, which was seconded by Barbara Biggs. The motion was approved unanimously (9-0).

5. Approve and/or Remove Items from Consent Agenda

1. Stream and Lake Protection Section - Statements of Opposition -- *The Board will be asked to ratify Statements of Opposition that have been filed by staff to protect instream flow and natural lake level water rights in the following cases:*

- a. *Case No. 1-11CW253: Application of Suzanne F. Van Hall, et al.*
- b. *Case No. 1-11CW265: Application of The City of Fort Collins*
- c. *Case No. 1-11CW279: Application of Cheley Colorado Camps, Inc.*
- d. *Case No. 1-11CW294: Application of Aggregate Industries – WCR, Inc.*
- e. *Case No. 2-11CW77: Application of The Lower Arkansas Valley Water Conservancy District and Larkspur, Inc.*
- f. *Case No. 2-11CW081: Application of The City of Aurora, Colorado*
- g. *Case No. 2-11CW089: Application of Three Elk Creek Estates, Inc.*
- h. *Case No. 2-11CW093: Application of ACA Products, Inc.*
- i. *Case No. 4-11CW161: Application of Moores Mining Ranching and Sawmill*
- j. *Case No. 5-11CW185: Application of Encana Oil & Gas (USA) Inc.*
- k. *Case No. 5-11CW196: Application of Aspen Camp School for the Deaf*
- l. *Case No. 5-11CW198: Application of Music Associates of Aspen, Inc.*
- m. *Case No. 5-11CW199: Application of PT Ranch Barn, L.L.C.*

2. Finance Section – Prequalification Project List

3. Interstate and Federal Section -- *The Board will be asked to ratify a Statement of Opposition that has been filed by staff:*

- a. *Case No. 11CW274: Application for a Conditional Storage Right and the Conditional Right of Appropriated Exchange by the Logan County Water Conservancy District*

Track 1 **00:07:28 – 00:07:55**

Action: Alan Hamel made a motion to accept the consent agenda, which was seconded by Travis Smith. The motion was approved unanimously (9-0).

6. Future Board Meeting Dates

- | | |
|----------------------------------|-------------------------|
| a. <i>May 15-16, 2012</i> | <i>Glenwood Springs</i> |
| b. <i>July 17-18, 2012</i> | <i>Gunnison</i> |
| c. <i>September 17—18, 2012</i> | <i>Berthoud</i> |
| d. <i>November 13 – 14, 2012</i> | <i>Denver</i> |

Track 1 **00:07:59 – 00:11:15**

Action: This was an informational item only. No Board action was required. Jennifer Gimbel requested to change the meeting dates for September. The Board agreed to set the date of the September meeting to be the 27th and 28th, 2012.

7. Directors' Reports

Track 1 **00:11:15 – 01:03:51**

- a. **DNR Executive Director** – Report by Mike King/Ginny Brannon.

Track 1 **00:11:15 – 00:19:09**

Action: Mike King was unavailable to give this report on the first day of the meeting; therefore Ginny Brannon gave the report. This was an informational item only. No Board action was required.

- b. **IBCC Director** – Report by John Stulp.

Track 1 **00:19:09 – 00:23:09**

Action: This was an informational item only. No Board action was required.

- c. **Agriculture Commissioner** – Report by John Salazar.

Track 1 **00:23:09 – 00:25:49**

Action: This was an informational item only. No Board action was required.

- d. **CWCB Director** – Report by Jennifer Gimbel.

Track 1 **00:25:49 – 00:40:24**

Action: This was an informational item only. No Board action was required.

- e. **Director of the Division of Water Resources** – Dick Wolfe was unavailable to give his report so it was given by the Assistant State Engineer, Kevin Rein

Track 1 **00:40:24 – 00:50:53**

Action: This was an informational item only. No Board action was required.

- f. **Colorado Parks and Wildlife** – Rick Cables was unavailable to give his report so it was given by Grady McNeill.

Track 1 **00:50:53 – 00:53:18**

Action: This was an informational item only. No Board action was required.

- g. **Water Resource and Power Development Authority – Report by Michael Brod.**

Track 1 00:53:18 – 01:03:51

Action: This was an informational item only. No Board action was required.

8. Colorado River Basin Study

Track 1 01:28:42 – 01:56:35

Action: Presentation by Ted Kowalski. This was an informational item only. No Board action was required.

9. Interstate and Federal Section – Colorado River Water Availability Study Phase 1

Track 1 01:03:51 – 01:28:15

Action: Presentation by Ray Alvarado. Travis Smith made a motion to approve the staff recommendation that “the Board direct them to publicly post ~~refined Draft~~ the Final CRWAS Phase I report and corresponding project deliverables”, striking the word “refined” and “Draft” and adding “the” before the word “Final”, from the recommendation. The motion was seconded by Geoff Blakeslee. The motion was approved unanimously (9-0).

10. Attorney General’s Report, Legal Briefing and Executive Session – *This is a briefing on legal issues contained in the Attorney General’s written report and on items listed below that the Board may refer for discussion in an Executive Session based upon attorney-client privilege.*

Track 1 02:10:33 – 02:17:10

Action: Presentation by Casey Shpall, Deputy Attorney General. This was an informational item only. No action was required by the Board. Travis Smith made a motion to go into Executive Session, which was seconded by Geoff Blakeslee. The motion was approved unanimously (9 - 0).

11. Executive Session

- a. *Colorado River issues*
- b. *Case No. 5-04CW238: Application of S.G. Company*
- c. *Case No. 4-10CW184: Application of Montrose County*
- d. *Republican River issues*

Track ES 00:00:00 – 01:11:00

Action: Barbara Biggs made a motion to go out of Executive Session, which was seconded by Diane Hoppe. The motion was approved unanimously (9 – 0).

12. Report from Executive Session

Track 2 00:02:15 – 00:02:48

Action: Casey Shpall reported that the items discussed in Executive Session were the items listed in the agenda under Agenda Item 11. No Board actions were taken during executive session.

13. Finance Section – Cash Balance Report

Track 2 00:02 – 00:08:52

Action: Presentation by Kirk Russell. This was an informational item only. No Board action was required.

14. Finance Section/Water Supply Planning Section - City of Trinidad – North Lake Dam Rehabilitation Project

- a. *Water Project Loan - Construction Fund*
- b. *Water Supply Reserve Account Grant*

Track 2 00:08:52 – 00:12:09

Action: 14a. Presentation by Anna Mauss. Geoff Blakeslee made a motion to approve the staff recommendation that, “the Board approve a loan not to exceed \$746,627 (\$739,235 for project costs and \$7,392 for the 1% Loan Service Fee) from the Construction Fund to the City of Trinidad, acting by and through its Water Enterprise, for engineering and construction costs related to the North Lake Dam Rehabilitation Project. The loan terms shall be 10 years at the low-income municipal/ restricted reservoir rate of 2.50% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5,” which was seconded by Barbara Biggs. The motion was approved unanimously (9-0).

14b. Presentation by Todd Doherty. Alan Hamel made a motion to approve the staff recommendation, “approval of up to \$702,273 of Statewide WSRA funds and up to \$36,962 of Arkansas Basin WSRA funds (total of \$739,235) the City of Trinidad to help complete the North Lake Dam Rehabilitation Project. Grant funds will not be disbursed until the City receives a letter of conditional approval of its Water Conservation Plan by the CWCB,” which was seconded by Barbara Biggs. The motion was approved unanimously (9-0).

15. Finance Section/Water Supply Planning Section - North Delta Irrigation Company – NDIC Tunnel Repair Project

- a. *Water Project Loan - Construction Fund*
- b. *Water Supply Reserve Account Grant*

Track 2 00:12:09 – 00:17:27

Action: 15a. Presentation by Ryan Edwards. Travis Smith made a motion to approve the staff recommendation that, “the Board approve a loan, from the Construction Fund, not to exceed \$808,000 (\$800,000 for project costs and \$8,000 for the 1% Loan Service Fee) to the North Delta Irrigation Company for the NDIC Tunnel Repair Project. The loan terms shall be 30 years at a blended interest rate of 3.10% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5,” which was seconded by Geoff Blakeslee. The motion was approved unanimously (9-0).

15b. Presentation by Todd Doherty. Geoff Blakeslee made a motion to approve the staff recommendation, “waive the 60 day deadline requirement and approve up to \$370,000 of Statewide WSRA funds and up to \$40,000 of Gunnison Basin WSRA funds to help complete the Tunnel Reconstruction Project. This is contingent upon the resolution of items under the issues/additional needs section of the attached Water Activity Summary Sheet,” which was seconded by Travis Smith. The motion was approved unanimously (9-0). Issues/additional needs state that “Upon receiving a revised cost estimate, if the project is at or below the \$1,210,000 amount, staff recommends that the loan/grant ratio be maintained at a 2:1 ratio or higher. If the cost estimate exceeds \$1,210,000 to complete the project as outlined in the scope of work then staff recommends maintaining the loan amount at \$800,000 and using up to \$800,000 in WSRA funds to make up the difference. If the revised costs estimate exceeds \$1.6 million, then the applicant will need to provide staff with documentation that they have the funds available through other sources to complete the project prior to contracting with the CWCB.”

16. Finance Section/Water Supply Planning Section - Terrace Irrigation Company – Spillway Replacement Project

- a. *Water Project Loan - Construction Fund*
- b. *Water Supply Reserve Account Grant*

Track 2 00:17:27 – 00:22:43

Action: 16a. Presentation by Ryan Edwards. Travis Smith made a motion to approve the staff recommendation that, “the Board approve a loan, from the Construction Fund, not to exceed \$2,751,968 (\$2,724,721 for project costs and \$27,247 for the 1% Loan Service Fee) to the Terrace Irrigation Company for the Spillway Replacement Project. The loan terms shall be 30 years at the agricultural restricted reservoir interest rate of 1.75% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5,” which was seconded by Barbara Biggs. The motion was approved unanimously (9-0).

16b. Presentation by Greg Johnson. Travis Smith made a motion to approve the staff recommendation, “approval of up to \$1,425,000 of Statewide WSRA funds and up to \$75,000 of Rio Grande Basin WSRA funds to the Terrace Irrigation Company to help complete the Terrace Reservoir Spillway Replacement,” which was seconded by Ty Wattenberg. The motion was approved unanimously (9-0).

17. Finance Section - New Construction Fund Loan

- a. *Montezuma Valley Irrigation Company – Lone Pine and May Pipeline Improvements Project (A)*

Track 2 00:22:43 – 00:29:23

Action: Presentation by Anna Mauss. April Montgomery made a motion to approve the staff recommendation, “the Board approve an initial construction loan not to exceed \$439,603 (\$435,250 for project costs and \$4,353 for the 1% Loan Service Fee) from the Construction Fund to the Montezuma Valley Irrigation Company, for engineering and construction costs related to the Lone Pine and May Pipeline Improvements Project. Following construction, staff further recommends the loan be amended to a long-term loan in an amount not to exceed \$339,603 (\$335,250 for the remaining balance of the Project and \$4,353 for the Loan Service Fee). The loan terms shall be 30 years at the agricultural interest rate of 2.75% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5,” which was seconded by Geoff Blakeslee. The motion was approved unanimously (9-0)

18. Finance Section/Interstate & Federal Section – Animas-La Plata (A-LP) State’s Pool Allocation – Water Purchase Update

Track 2 00:29:23 – 00:37:14

Action: Presentation by Ted Kowalski and Tim Feehan. This was an informational item only. No Board action was required.

19. Water Supply Planning Section – WSRA Grants – Basin and State Applications (4 Applications) (3:25 – 3:45)

- a. *Upper Swan River Restoration Project*
- b. *Investigation of Water Savings, Water Quality Benefits and Profitability of Sub-Surface Drip on Alfalfa in Grand Valley*
- c. *Gunnison Basin Education Program*
- d. *Conejos River System Gauging Stations Project*

Track 2 00:29:15 – 00:50:50

Action: 19a. Presentation by Greg Johnson and Jacob Bornstein. Alan Hamel made a motion to approve the staff recommendation, “To fund up to \$30,000 from the Colorado basin account to the Blue River Watershed Group for the Upper Swan River Restoration Project”, which was seconded by Geoff Blakeslee. The motion was approved unanimously (9-0).

19b. Presentation by Todd Doherty. Geoff Blakeslee made a motion to approve the staff recommendation, “To fund up to \$46,894 from the Colorado Basin Account to Colorado State University/Colorado Water Institute for the Investigation of Water Savings, Water Quality benefits and Profitability of Sub Surface Drip on Alfalfa in Grand Valley”, they also recommended the Board approve the waiver for the 60 day application period. The motion seconded by Ty Wattenberg and was approved unanimously (9-0).

19c. Presentation by Jacob Bornstein. Travis Smith made a motion to approve the staff recommendation, “To fund up to \$19,750 from the Gunnison Basin account to Colorado Mesa University for the Gunnison Basin Education Program,” which was seconded by April Montgomery. The motion was approved unanimously (9-0).

19d. Presentation by Greg Johnson. Travis Smith made a motion to approve the staff recommendation, to fund up to \$387,280 from the Statewide Account and up to \$20,000 from the Rio Grande Basin Account to the Conejos Water Conservancy District for the Conejos River System Gauging Stations Project, which was seconded by Barbara Biggs. The motion was approved unanimously (9-0).

20. Water Supply Planning /Watershed and Flood Protection Sections - Spring Flood and Drought Outlook

Track 2 01:16:35 – 01:36:20

Track 2 02:23:04 – 02:46:06

Track 3 00:53:23 – 01:09:41

Action: Presentation by Kevin Houck, Veva Deheza, and Klous Wolter with the University of Colorado. This was an informational item only. No action was required from the Board.

21. Water Supply Planning Section – Castle Pines Metro District Conservation Grant

Track 2 00:50:50 – 01:05:47

Action: Presentation by Veva Deheza and Emily Cole with Castle Pines Metro District. Barbara Biggs made a motion to approve the staff recommendation, “that the Board approve a Water Efficiency Grant for Castle Pines Metropolitan District in the amount of \$115,752 to purchase and install an Advanced Meter Infrastructure (AMI) Fixed Based System with water consumption analysis software,” which was seconded by Ty Wattenberg. The motion was approved unanimously (9-0).

22. Finance Section – Projects Bill

Track 2 **01:05:47 – 01:15:20**

Track 2 **01:36:48 – 02:23:04**

Action: Presentation by Tim Feehan, Senator Gail Schwartz, and Chris Piper with Denver Water. Diane Hoppe made a motion to support the Division of Water Resources request for \$300,000 to pursue abandonment legal costs, which was seconded by Travis Smith. The motion was approved unanimously (9-0). Diane Hoppe made a motion, to allow the Division of Water Resources to accept grants from the CWCB, which was seconded by Travis Smith. The motion was approved unanimously (9-0). Barbara Biggs made a motion, “that the Board approve an Exemption of Policy 13 to allow for the variance in the fund from 3.71% to 2.5%, which was seconded by Alan Hamel. The motion was approved unanimously (9-0). Travis Smith made a motion, to add \$250,000 to the Watershed Restoration fund, which was seconded by Geoff Blakeslee. The motion was approved unanimously (9-0). Barbara Biggs made a motion to make an exception to Policy 13 with regard to the construction fund allowing for a .01% variance, which was seconded by Ty Wattenberg.

23. Basin Directors’ Reports

Track 3 **00:01:59 – 00:53:00**

a. Colorado River (Mainstem) Basin Director’s Report - Russell George reporting.

Action: This was an informational item only. No Board action was required.

b. San Juan/San Miguel-Dolores River Basin Director’s Report – April Montgomery reporting.

Action: This was an informational item only. No Board action was required.

c. Gunnison River Basin Director’s Report – John McCLOW reporting.

Action: This was an informational item only. No Board action was required.

d. North Platte River Basin Director’s Report – Ty Wattenberg reporting.

Action: This was an informational item only. No Board action was required.

e. South Platte River Basin Director’s Report – Diane Hoppe reporting.

Action: This was an informational item only. No Board action was required.

f. Arkansas River Basin Director’s Report – Alan Hamel reporting.

Action: This was an informational item only. No Board action was required.

g. City and County of Denver Director’s Report – Barbara Biggs reporting.

Action: This was an informational item only. No Board action was required.

h. Rio Grande River Basin Director’s Report – Travis Smith reporting.

Action: This was an informational item only. No Board action was required.

i. Yampa – White River Basin Director’s Report – Geoff Blakeslee reporting.

Action: This was an informational item only. No Board action was required.

24. Interstate, Federal, and Water Information Section – Litigation Account

- a. Litigation Account Draft Report to General Assembly*
- b. Request for Utilization of Litigation Account – Colorado River*
- c. Request for Utilization of Litigation Account – Arkansas River*
- d. Request for Utilization of Litigation Account –Republican River*

Track 1 01:56:42 – 02:10:33

Action: Presentation by Ted Kowalski, Attorney General John Suthers and Casey Shpall Assistant Attorney General. Geoff Blakeslee made a motion to approve the staff recommendations a-d, as stated in the board memo, which was seconded by Russ George. The motion was approved unanimously (9-0).

25. Stream and Lake Protection Section – New Appropriation Recommendations in Water Division 1

Track 3 01:33:24 – 01:57:56

Action: Presentation by Jeff Baessler. Mr. Baessler informed the Board that staff was withdrawing the recommendation on North Clear Creek pending further discussions by local stakeholders. Geoff Blakeslee made a motion to approve the staff recommendation, “pursuant to ISF Rule 5d, the Board declare its intent to appropriate an ISF water right on each stream segment listed on the Tabulation of Instream Flow and Natural Lake Level Recommendations, and direct Staff to publicly notice the Board’s declaration of intent to appropriate,” which was seconded by April Montgomery. The motion was approved (9-1). Ty Wattenberg voted against the motion. This Board action did not include the recommendation on North Clear Creek.

26. Stream and Lake Protection Section – 2012 New Instream Flow Appropriations

Track 3 01:57:56 – 02:01:50

Action: Presentation by Jeff Baessler. This was an informational item only. No Board action was required.

27. Stream and Lake Protection Section – Instream Flow Appropriation Recommendations for 2013

Track 3 02:01:50 – 02:07:47

Action: Presentation by Jeff Baessler and Linda Bassi. This was an informational item only. No Board action was required.

28. Water Infrastructure Network (WIN Colorado) Update

Track 3 02:07:47 – 02:41:00

Action: Presentation Ken Smith, Executive Director of the Water Infrastructure Network (WIN) and Anne Terry the President of WIN Colorado. This was an informational item only. No Board action was required.

29. Watershed and Flood Protection Section – Community Assistance Program Functions

Track 3 02:41:00 – 02:54:10

Action: Presentation by Kevin Houck and Jamie Prochno. This was an informational item only. No action was required from the Board.

30. Watershed and Flood Protection Section – Weather Modification Rules and Regulations Update

Track 3 02:54:10 – 03:27:26

Action: Presentation by Joe Busto. This was an informational item only. No action was required from the Board.

31. Watershed and Flood Protection Section – Fish and Wildlife Resources Fund

Track 4 00:15:15 – 00:22:17

Action: Presentation by Chris Sturm. Alan Hamel made a motion to approve the staff recommendation, “that the Board approve a non-reimbursable expenditure up to \$50,000 from the Fish and Wildlife Resources Fund pending match funding commitments from the EPA, State Land Board, local state partners, and/or other parties.” which was seconded by Geoff Blakeslee. The motion was approved unanimously (10-0).

32. Watershed and Flood Protection Section – Map Modernization/RiskMap Update

Track 4 00:38:06 – 00:51:03

Action: Presentation by Thuy Patton. This was an informational item only. No action was required from the Board.

33. Interstate, Federal, and Water Information Section – Public Deliberation on the Board of Commissioners for the County of Grand’s Recreational In-Channel Diversion (RICD) Application in Case No. 5-10CW298

Track 4 00:51:03 – 02:49:53

Action: Presentations by staff member Suzanne Sellers; Grand County Commissioner Nancy Stewart; Grand County Manager Lurline Underbrink-Curran; Dave Taussig and Mitra Pemberton representing Grand County; Jason Carey with River Restoration; Lee Rozaklis with AMEC; Scott Steinbrecher Assistant Attorney General; Leila Benenpour representing the Homestake Partners; Bret Grassley with Colorado Springs Utilities for Homestake Partners; and Barney White representing Summit County. Geoff Blakeslee made the motion to accept the staff recommendation that: “The Board adopt the following abbreviated Findings of Fact so long as the specific conditions of the Comprehensive Findings of Fact are incorporated in the final decree: 1. The adjudication and administration of the RICD will not materially impair the ability of Colorado to fully develop and place to consumptive beneficial use its compact entitlements; 2. material injury to existing ISF water rights is not a basis for denial of the RICD, but should this RICD be constructed, the Applicant should consult with the Division of Parks and Wildlife (DPW) before and during construction and maintenance of the RICD structures to assure that these actions will not injure the natural environment that the ISF water rights protect; and 3. the adjudication and administration of the RICD, in the amounts claimed, will promote maximum utilization of the waters of the State.”. The motion also included acceptance of the staff’s comprehensive findings of fact with the following changes: 1. modification of Para. 45.c. of the decree and the corresponding paragraph in the comprehensive findings of fact to “In addition to the no call provision in p. 21.c. and 45 g., Grand County reserves the right not to call the RICD water rights, within the sole discretion of Grand County, as against future water rights up to the first 3,000 acre-feet of depletions per year, applied to all water users in the order of their priority.”; and 2. replace the term “1922” in Para. I.a.ii. of staff’s comprehensive finding of fact with “compact”. Lastly, the motion included instructions to Staff to fully participate in the water court case to defend the subject Findings of Fact and to assure that the final decree fully complies with statute. This motion was seconded by April Montgomery and approved unanimously (10-0).

34. Watershed and Flood Protection Section – Update on Watershed Restoration Programs
Track 4 00:22:17 – 00:38:06

Action: Presentation by Chris Sturm. This was an informational item only. No Board action was required.

35. Water Supply Planning Section – Projects and Methods Implementation

Track 4 03:07:39 – 03:24:36

Action: Presentation by Todd Doherty. This was an informational item only. No action was required from the Board.

36. Water Supply Planning Section - SWSI Work Plan

Track 4 03:24:36 – 03:31:52

Action: Presentation by Eric Hecox. This was an informational item only. No action was required from the Board.

37. Finance Section – Water Infrastructure and Supply Efficiency (W.I.S.E.) Project

Track 4 03:31:52 – 03:35:13

Action: Presentation by Jacob Bornstein. Barbara Biggs made a motion to accept the staff recommendation, to adopt the resolution provided to the Board in support of the WISE Partnership, which was seconded by Alan Hamel. The motion was approved unanimously (10-0).

38. Finance Section – Severance Tax Trust Fund Operational Account, Approval of Project Recommendations

Track 4 03:35:13 – 03:42:58

Action: Presentation by Tim Feehan and Steve Biondo. Geoff Blakeslee made the motion to approve the staff recommendation, “that the Board approve the proposed funding for each of the projects from the Operational Account of the Severance Tax Trust Fund as summarized as Attachment A to this memo; presentations of these projects were provided in a workshop prior to the Board Meeting,” which was seconded by Travis Smith. The motion was approved unanimously (10-0).

ADJOURN

Barbara Biggs made a motion to adjourn the March 2012 Colorado Water Conservation Board Meeting. Alan Hamel seconded the motion, which was passed unanimously (10-0).

